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4 DANIEL LONG,
5 Plaintiff,
6 v.
7 FORTY NINERS FOOTBALL COMPANY,
8 LLC,
9 Defendant.

10 Case No. 14-cv-01787-JST
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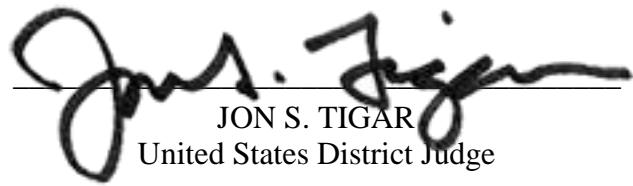
12 **ORDER DISMISSING CASE FOR
13 LACK OF SUBJECT MATTER
14 JURISDICTION**

15 Re: ECF No. 27
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17 On July 16, 2014, Plaintiff filed his second amended complaint. ECF No. 27. Although
18 the first paragraph of the second amended complaint purports to found federal jurisdiction on
19 “original federal question jurisdiction,” and goes on to recite that “[t]he statutes alleged to have
20 been violated are 42 U.S.C. § 1983, 14th amendment to the United States Constitution and the
21 Sherman Anti-trust Act, 15 U.S.C. § 1 et seq.,” ECF No. 27 at 1, in fact the second amended
22 complaint alleges none of those. Rather, it alleges only state-law claims for violation of
23 California’s constitutional right to privacy, negligence, punitive damages, and liability under the
24 rescue doctrine. Accordingly, the Court lacks federal question jurisdiction over the action.
25 U.S.C. § 1331. Because the parties also are not diverse pursuant to 26 U.S.C. § 1332, the Court
26 lacks subject matter jurisdiction over Plaintiff’s complaint. Accordingly, the Court hereby
27 dismisses the second amended complaint without prejudice to refile in state court.
28

29 **IT IS SO ORDERED.**

30 Dated: July 17, 2014

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32 JON S. TIGAR
33 United States District Judge
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